

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Thomas M. Woerner

Application No./Patent No.: 7,001,717 Filed/Issue Date: February 21, 2006

Entitled: CHARCOAL STABILIZATION OF PHENYL PHOSPHATES

SurModics, Inc., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

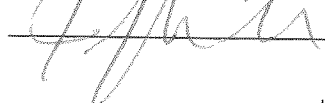
1. From: Thomas M. Woerner To: BioFX Laboratories, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 015389, Frame 0829, or for which a copy thereof is attached.
2. From: BioFX Laboratories, Inc. To: SurModics, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 019850, Frame 0873, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

1/4/08  
Date

Jeannine Joan Thiele  
Printed or Typed Name

952.345.3549  
Telephone Number

\_\_\_\_\_  
Patent Counsel  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



\*700132108A\*

NOVEMBER 23, 2004

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POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/17/2004

REEL/FRAME: 015389/0829  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

WOERNER, THOMAS M.

DOC DATE: 11/11/2004

ASSIGNEE:

BIOFX LABORATORIES, INC.  
10715 RED RUN BOULEVARD  
SUITE 114  
OWINGS MILLS, MARYLAND 21117

SERIAL NUMBER: 10727537

FILING DATE: 12/05/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: CHARCOAL STABILIZATION OF PHENYL PHOSPHATES

SEDLEY PYNE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

RECORDATION FORM COVER SHEET  
PATENTS ONLY

Attorney's Docket No. 033209-005

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Thomas M. WOERNER

2. Name and address of receiving party(ies):

Name: BioFX Laboratories, Inc.

Internal Address:

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Execution Date: November 11, 2004

Street Address:

10715 Red Run Boulevard  
Suite 114

City: Owings Mills State: MD Zip: 21117

Additional name(s) & addresses attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

10/727,537

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mercedes K. Meyer

Address:

Burns, Doane, Swecker & Mathis, L.L.P.  
Customer Number 21839  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- ☐ Enclosed  
☒ Authorized to be charged to deposit account  
☐ Credit card. Form PTO-2038 is attached.

8. Deposit account number:

02-4800

(Attach duplicate copy of this page if paying by deposit account.)

DO NOT USE THIS SPACE

9. Statement and Signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mercedes K. Meyer

44,939

Name of Person Signing

Reg. No.

Signature

November 17, 2004

Date

Total number of pages including cover sheet, attachments, and documents:

3

# ASSIGNMENT

(SOLE)

THIS ASSIGNMENT, by THOMAS M. WOERNER, residing at 1102 CHAPEL ROAD, WESTMINSTER, MARYLAND 21157 USA (hereinafter referred to as "the Assignor"), witnesseth:

WHEREAS, the Assignor has invented certain new and useful improvements in CHARCOAL STABILIZATION OF PHENYL PHOSPHATES set forth in an application for Letters Patent of the United States,

- (1) ☐ which is a provisional application
  - (a) ☐ bearing Application No. \_\_, and filed on \_\_;
  - (b) ☐ to be filed herewith; or
- (2) ☒ which is a non-provisional application
  - (a) ☒ bearing Application No. 10/727,537, and filed on DECEMBER 5, 2003;
  - (b) ☐ having an oath or declaration executed on even date herewith prior to filing of application;
  - (c) ☐ having an oath or declaration executed on a different date than this Assignment; and

WHEREAS, BIOFX LABORATORIES, INC., a corporation duly organized under and pursuant to the laws of MARYLAND, and having its principal place of business at 10715 RED RUN BOULEVARD, SUITE 114, OWINGS MILLS, MARYLAND 21117 USA (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said application, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behoof and the use and behoof of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignor is the sole and lawful owner of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns that the Assignor will, whenever

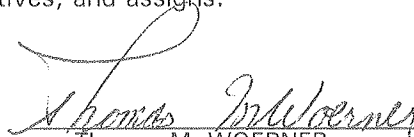
counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

AND the Assignor hereby authorizes and requests the attorneys of BURNS, DOANE, SWECKER & MATHIS, L.L.P. of Alexandria, Virginia to insert in the spaces provided above the filing date, application number, and attorney docket number of said application when known.

AND the Assignor hereby requests the Director of the United States Patent and Trademark Office to issue any and all said Letters Patent of the United States to the Assignee, as the Assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behoof of the Assignee, its successors, legal representatives, and assigns.

Date 11/11/04

Signature of Assignor

  
\_\_\_\_\_  
Thomas M. WOERNER

TO: KARL SCHWAPPACH COMPANY: 90 SOUTH SEVENTH STREET

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEPTEMBER 21, 2007

PTAS



\*500359193A\*

KARL SCHWAPPACH  
90 SOUTH SEVENTH STREET  
2200 WELLS FARGO CENTER  
MINNEAPOLIS, MN 55402-3901UNITED STATES PATENT AND TRADEMARK OFFICE  
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RECORDATION DATE: 09/21/2007

REEL/FRAME: 019850/0873  
NUMBER OF PAGES: 5BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).  
DOCKET NUMBER: 53209-351766

## ASSIGNOR:

BIOFX LABORATORIES, INC.

DOC DATE: 08/13/2007

## ASSIGNEE:

SURMODICS, INC.  
9924 WEST 74TH STREET  
EDEN PRAIRIE, MINNESOTA 55344

SERIAL NUMBER: 10141177

FILING DATE: 05/09/2002

PATENT NUMBER:

ISSUE DATE:

TITLE: STABILIZATION OF H2O2 UNDER ALKALINE CONDITIONS FOR USE IN  
LUMINESCENCE, FLUORESCENCE AND COLORIMETRIC ASSAYS FOR ENHANCED  
DETECTION OF PEROXIDASE TYPE ASSAYS

TO:KARL SCHWAPPACH COMPANY:90 SOUTH SEVENTH STREET

019850/08/3 PAGE 2

SERIAL NUMBER: 11648911

FILING DATE: 01/03/2007

PATENT NUMBER:

ISSUE DATE:

TITLE: STABILIZATION OF H2O2 UNDER ALKALINE CONDITIONS FOR USE IN  
LUMINESCENCE, FLUORESCENCE AND COLORIMETRIC ASSAYS FRO ENHANCED  
DETECTION OF PEROXIDASE TYPE ASSAYS

SERIAL NUMBER: 10727537

FILING DATE: 12/05/2003

PATENT NUMBER: 7001717

ISSUE DATE: 02/21/2006

TITLE: CHARCOAL STABILIZATION OF PHENYL PHOSPHATES

SERIAL NUMBER: 11262715

FILING DATE: 11/01/2005

PATENT NUMBER: 7214481

ISSUE DATE: 05/08/2007

TITLE: CHARCOAL STABILIZATION OF PHENYL PHOSPHATES

ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION



## ASSIGNMENT OF PATENTS

THIS ASSIGNMENT OF PATENTS (this "Assignment"), dated as of August 13, 2007, is entered into by and between BioFX Laboratories, Inc. ("Assignor"), for the benefit of SurModics, Inc., a Minnesota corporation ("Assignee").

WHEREAS, Assignee and Assignor have entered into that certain Stock Purchase Agreement, dated as of the date hereof (the "SPA"); and

NOW, THEREFORE, in consideration of entering into the SPA and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to them in the SPA.

2. As used herein, "Patents" shall mean all of Assignor's inventions (whether patentable or unpatentable and whether or not reduced to practice), all improvements thereto, patents, patent applications, rights of priority, patent disclosures and related patent rights, including all divisions, continuations, continuations-in-part, re-examinations, or reissues, and extensions thereof, all claims for damages by reason of past infringements of the Patents including without limitation provisional rights thereto with the right to sue for and collect the same for its own use and benefit, and for the use and on behalf of its successors, assigns and other legal representatives, in any and all countries of the world, including without limitation, the patents and patent applications listed on Schedule A annexed hereto and incorporated herein by reference.

3. Assignor hereby sells, assigns, conveys, and transfers to Assignee, its successors and assigns the entire right, title and interest in and to the Patents, to the end of the term or terms for which the Patents are or may be granted or reissued as fully and entirely as the same would have been held and enjoyed by the Assignor if this Assignment had not been made.


4. Assignor agrees that, upon Assignee's request, it will sign all lawful papers, make all rightful oaths and generally do everything reasonably requested by Assignee to aid Assignee, its successors, assigns and nominees necessary to carry out provisions of this Assignment.

[signature page follows]

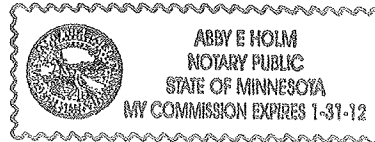
Dated: August 13, 2007

**ASSIGNOR:**

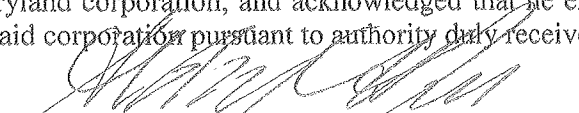
BioFX Laboratories, Inc.  
a Maryland corporation

By:   
Name: Douglas P. Astry  
Title: President and Chief  
Executive Officer

STATE/PROVINCE OF MINNESOTA )  
 )ss:  
COUNTY OF HENNEPIN )



On this 13th day of August, 2007, personally appeared Douglas P. Astry, to me known and known to be the President and Chief Executive Officer of BioFX Laboratories, Inc., a Maryland corporation, and acknowledged that he executed the foregoing Assignment on behalf of said corporation pursuant to authority duly received.

  
Notary Public

**Exhibit A**

<b>Title</b>	<b>Country</b>	<b>Patent/Application Number</b>
<b>Charcoal stabilization of phenyl phosphates</b>	Australia	2004 286569
	Canada	2548530
	EP	1709186
	JP	2007 512843
	US	7,001,717
	US	7,214,481
	Hong Kong	07103725.9
	New Zealand	548219
	WO	WO2005/056816
<b>Stabilization of H<sub>2</sub>O<sub>2</sub> Under Alkaline Conditions for Use in Luminescence, Fluorescence and Colorimetric Assays for Enhanced Detection of Peroxidase Type Assays</b>	US	2003/073150
	US	11/648,911
	WO	2002090930
<b>Stabilizing peroxides with stannous halides</b>	Australia	2002324772